

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

|                                      |   |                               |
|--------------------------------------|---|-------------------------------|
| <b>MICHAEL PENNELL,</b>              | ) |                               |
|                                      | ) |                               |
| <b>Plaintiff,</b>                    | ) |                               |
|                                      | ) |                               |
| <b>v.</b>                            | ) | <b>Cause No. 1:21-CV-3043</b> |
|                                      | ) |                               |
| <b>INDIANA LUBRICANTS INC. d/b/a</b> | ) |                               |
| <b>JIFFY LUBE,</b>                   | ) |                               |
|                                      | ) |                               |
| <b>Defendant.</b>                    | ) |                               |

**COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff, Michael Pennell (“Pennell”), by counsel, brings this action against Defendant, Indiana Lubricants Inc. d/b/a Jiffy Lube, (“Defendant”), and shows as follows:

**OVERVIEW**

1. This is an employment discrimination action (disability) brought by Pennell against Defendant alleging that he was discriminated against because his disability and/or because he was perceived as being disabled in violation of the Americans with Disability Act of 1990 (“ADA”), 42 U.S.C. §12101 et. seq.

**PARTIES**

2. At all relevant times Pennell lived in Indianapolis, Indiana

3. Defendant is a corporation that conducts business and maintains offices in the Southern District of Indiana.

4. Pennell, at all times relevant, was an ‘employee’ as defined by 42 U.S.C. §12111(4). Moreover, Pennell is ‘disabled’ and/or was regarded as being disabled as that term is defined by the ADA.

5. Defendant is an ‘employer’ as defined by 42 U.S.C. §12111(5)(A).

### **JURISDICTION AND VENUE**

6. This Court has subject matter jurisdiction pursuant to 28 U.S.C §1331 and 42 U.S.C. §12117(a)..

7. Venue is proper in this Court pursuant to 28 U.S.C. §1391 as all events, transactions, and occurrences pertinent to this lawsuit have occurred within the geographical environs of the Southern District of Indiana and all parties are located herein.

8. Pennell properly exhausted his administrative remedies when he timely filed a charge of discrimination with the U.S. Equal Employment Opportunity Commission (“EEOC”) alleging discriminated based on disability and age. Pennell now brings this Complaint within ninety (90) days of receipt of a the dismissal and notice of suit rights from the EEOC.

### **FACTUAL ALLEGATIONS**

9. Pennell was hired by Defendant in the summer of 2019. Pennell greeted customers, cleaned cars, and helped check customers out.

10. Pennell met or exceeded the legitimate expectations of performance of his position.

11. Pennell suffers from one or more conditions that qualify him as disabled under the ADA. Pennell alerted his manager that he had various ailments, including cancer, during the pendency of his employment.

12. On or about March 9, 2020, Pennell was terminated. His manager advised him that he would complete the separation paperwork as ‘resigned’ to facilitate Pennell’s ability to claim unemployment compensation.

13. Pennell has been harmed by Defendant's conduct.

**LEGAL ALLEGATIONS**

**VIOLATION OF THE ADA**

14. Pennell incorporates by reference paragraphs one (1) through eighteen (13).

15. Defendant discriminated against Pennell by terminating his employment because of his disability(ies) and/or because it regarded him as being disabled. Similarly-situated, non-disabled employees were treated better in the terms and conditions of their employment.

16. Pennell has been harmed by Defendant's conduct.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, Michael Pennell, respectfully demands judgment against Defendant in his favor and requests that the Court grant the following relief:

- a) An Order awarding Pennell the wages he lost and/or the value of the benefits he lost as a result of his unlawful termination;
- b) An Order awarding Pennell compensatory and punitive damages for an intentional violation of his rights as provided for by the ADA;
- c) An Order awarding the costs of this action;
- d) An Order awarding reasonable attorneys' fees;
- e) An Order awarding pre-judgment and post-judgment interest at the highest rates allowed by law; and
- f) An Order granting such other and further relief as may be necessary and appropriate.

Respectfully submitted,

s/ Christopher S. Wolcott  
Christopher S. Wolcott (#23259-32)

The Wolcott Law Firm LLC

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Attorney for Plaintiff

**JURY TRIAL DEMAND**

Plaintiff demands a trial by jury on all issues deemed triable.

Respectfully submitted,

s/ Christopher S. Wolcott  
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